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COLORADO SPRINGS CO 80907-7449

In re Application of: Pettey, et al.  
Application No. 10/757,713  
Filed: January 14, 2004  
For: METHOD AND APPARATUS FOR  
SHARED I/O IN A LOAD/STORE FABRIC

DECISION ON PETITION  
TO MAKE SPECIAL  
(ACCELERATED EXAMINATION)  
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed October 21, 2004, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

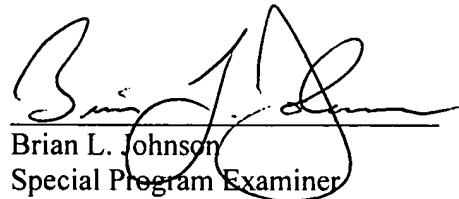
- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed October 21, 2004 fails to adequately meet requirement (e) of the criteria set forth above. With respect to requirement (e), applicant must provide a detailed discussion of reference documents (for example, U. S. Patent 5,581,709 to Ito et al.) since applicant has deemed it as one of the most closely related references. As to U. S. Patent 5,581,709 to Ito et al., the Petitioner has merely provided a terse discussion as to how an IO host adapter within a host computer function for providing a transaction a host number when the transaction is issued to a shared IO device. However, the submission does not satisfy the requirement, as it does not provide a **detailed discussion** of the reference (with reference to Page Numbers or figures, for example) and it does not point out how the language of **each of the independent claims** are specifically distinguishable and patentable over the references. Petitioner should review all references cited in the Petition and ensure that the above discussion is directed to how the language of **each of the independent claims** are specifically distinguishable and patentable from the references provided in requirement (d) above. The statement that the reference shares the same deficiencies as another reference is not sufficient to meet the requirement of a detailed discussion as required by 37 CFR 1.111 (b) and (c).

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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